

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

4
5 UNITED STATES OF AMERICA,)

6 Government,)

7 vs.) No. 6:14-cr-00482-MC-1

8 DANIEL STEPHEN JOHNSON,)

9 Defendant.)

10
11 REPORTER'S EXCERPT TRANSCRIPT OF PROCEEDINGS

12 EUGENE, OREGON

13 Tuesday, May 1, 2018

14 OPENING STATEMENTS

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PROCEEDINGS

Sunday, May 13, 2018, at 9:03 a.m.

THE COURT: Let's go on the record.

MR. SWEET: Your Honor, the government has exhibits 271, 272 and 273. Mr. Weinerman and defense have copies of those. They don't have any objections. Skipping over some other exhibits we haven't offered yet, but for the purpose of this morning, we would seek to admit 271, 272, and 273.

(EXHIBIT 271, 272, 273 OFFERED.)

THE COURT: No objection.

MR. WEINERMAN: No objection.

THE COURT: Those will be received.

(EXHIBIT 271, 272, 273 RECEIVED.)

MR. SWEET: And I will bring a copy up.

THE COURT: Will we be ready to call witnesses this morning?

MR. SWEET: Yes, Your Honor, if we could take that 15 minute break after opening, that would be helpful.

THE COURT: Okay.

MR. WEINERMAN: Judge, counsel is not going to take very long. We need to switch the equipment, the pack, so I don't -- hopefully that will go smooth, but that may take a minute or two or more.

THE COURT: Would you rather I have the jury go back?

1 MR. WEINERMAN: I will leave that up to the Court.
2 I have tried it on once, hopefully I can get it on so it's
3 seamless, but I can't guarantee that I will pull that off.
4 So maybe you can bail me out if it looks like I am not doing
5 it the right way.

6 THE COURT: I will. Ready.

7 MS. WARREN: Your Honor, I think our computer
8 problems are resolved. But it's not clear that it's showing
9 up on the big screen.

10 COURT CLERK: I don't have it published, yet.

11 MS. BRITSCH: It's just a black screen at the
12 moment -- yes, that looks fine.

13 THE COURT: Let's get the jury, and I will give them
14 some instructions.

15 (JURY IN.)

16 THE COURT: Please be seated. If I can have the
17 jury stand and be sworn.

18 (JURY SWORN.)

19 JURORS: We do.

20 THE COURT: Folks, you are now the jury in this
21 case. At the end of the trial I will give you more detailed
22 instructions about the law that applies to the charges in
23 this case. But right now I want to give you some preliminary
24 instructions about your role as jurors in the case.

25 My voice is getting better, but I know it still

1 isn't great so I appreciate your patience. When you
2 deliberate it will be your duty to weigh and evaluate all the
3 evidence in the case, and in the process, decide the facts.
4 You and you alone are the judges of the facts.

5 To the facts as you find them, you will then apply
6 the law as I give it to you, whether you agree with it or
7 not. You must decide this case solely on the evidence and
8 the law before you. You need to perform these duties fairly
9 and impartially.

10 Do not allow personal likes, dislikes, sympathy,
11 prejudice, fear, or public opinion to influence you. You
12 should also not be influenced by any person's race, color
13 religion, national ancestry, gender, sexual orientation,
14 profession, occupation, celebrity, economic circumstances, or
15 position in life or anything.

16 This is a criminal case brought by the United States
17 government. The government charges Mr. Johnson with
18 traveling in foreign commerce and engaging in illicit sexual
19 conduct with a minor under the age 18 years, traveling in
20 foreign commerce for the purpose of engaging in illicit
21 sexual conduct with a minor under the age of 18 years, and
22 crossing a state line with the intent of engaging in a sexual
23 act with a person who is under the age of 12 years.

24 The charges against Mr. Johnson are contained in
25 what is called an indictment. The indictment simply

1 describes the charges that the government brings. The
2 indictment is not evidence and does not prove anything.

3 Mr. Johnson has pled not guilty to the charges and
4 he is presumed innocent until the government can prove he is
5 guilty beyond a reasonable doubt. In addition, Mr. Johnson
6 has an absolute right to remain silent. He does not have to
7 prove innocence or present evidence.

8 So what is evidence? The evidence you are to
9 consider in this case consists of three things. One, the
10 testimony of sworn witnesses who will testify from the
11 witness stand, the exhibits that are received into
12 evidence -- exhibits are things like notes, charts,
13 photographs, copies of e-mail exchanges, physical things that
14 are brought into evidence -- and any facts to which the
15 parties agree. We call these stipulations. And at various
16 times I may read stipulations to you, and those are simply
17 facts that you can accept as true that the parties agreed to.

18 So what is not evidence? The following things are
19 not evidence. The statements and the arguments of the
20 attorneys are not evidence. Their statements or arguments
21 are intended to help you understand the evidence. But if
22 their statements are different from your own memory of the
23 evidence, your memory must apply.

24 Questions and objections are not evidence.
25 Testimony that I instruct you to disregard is not evidence.

1 Anything you may see or hear when Court is not in session,
2 even if what you see or hear is done or said by one of the
3 parties or by one of the witnesses, is not evidence.

4 We talked yesterday about you deciding this case on
5 what you -- the evidence that is presented to you in the
6 courtroom. There are two types of evidence. There's direct
7 evidence and there's circumstantial evidence. Direct
8 evidence is direct proof of a fact, such as the testimony of
9 an eyewitness. Circumstantial evidence is a chain of facts
10 pointing to the existence or nonexistence of another fact.
11 You may base your verdict on direct evidence, on
12 circumstantial evidence, or on both.

13 At various times during the trial attorneys may make
14 objections to certain questions, or to the introduction of
15 certain exhibits. We have Rules of Evidence that apply to
16 testimony and to exhibits. My job is to rule on these
17 objections. If an attorney objects to a question or an
18 exhibit and I sustain the objection, the question cannot be
19 answered and the exhibit can not be received into evidence.
20 If I overrule the objection, then the question can be
21 answered or the exhibit can be received into evidence.

22 If I sustain an objection, please do not try to
23 guess as to what the answer might have been or about why the
24 objection is made. That's not relevant. Also, there's a
25 certain reality in the courtroom. Sometimes a question is

1 asked and an answer is given faster than an attorney can say
2 the word objection. There may be times where I will sustain
3 an objection after you have already heard the answer.
4 Sometimes you may have heard an answer to several questions
5 when I sustain an objection.

6 I will then turn to you and ask you to disregard the
7 answer. This isn't Hog Warts. I can't make it fall out of
8 your head. It's not going to disappear. But when it comes
9 to deliberations, anything I have asked you to disregard, you
10 cannot use in determining the facts of the case.

11 In deciding this case you may have to decide which
12 testimony to believe and which testimony not to believe. You
13 may believe everything a witness says, or part of it, or none
14 of it. In considering the testimony of any witness you may
15 take into account the following: One, the opportunity and
16 the ability of the witness to see or hear or know the things
17 testified to; two, the witness's memory; three, the witness's
18 manner while testifying; four, the witness's interest in the
19 outcome of the case and any bias or prejudice; five, whether
20 other evidence contradicted the witness's testimony; six, the
21 reasonableness of the witness's testimony in light of all of
22 the evidence; and seven, any other factors that bear on
23 believability.

24 The weight of the evidence to a fact does not
25 necessarily depend on the number of witnesses who testify to

1 it. Yesterday before we broke I already gave you some
2 instructions, obviously, about talking to other people about
3 the case, talking among yourselves about the case, looking up
4 any information, so please keep that instruction in mind as
5 well.

6 At the end of the trial you will have to make your
7 decision based on what you recall of the evidence. We have a
8 court reporter but that doesn't mean we have a transcript of
9 the case for you to read over during your deliberations. You
10 will not have a transcript, so you will have to pay close
11 attention to the testimony and remember it without the help
12 of a transcript to read.

13 You may take notes if you wish. You should have
14 note pads and pens. At any time you run out of paper or run
15 out of pen, please just interrupt and let us know.

16 It is important that you folks -- I mean, you are
17 the judges of the facts. You have to hear the facts and you
18 have to understand the facts. If at any time you cannot hear
19 a witness, please interrupt and ask the witness to speak up.
20 Sometimes the attorneys, especially at the end of the day,
21 our voices go down. Maybe you can't hear the question.
22 Please interrupt and ask them to repeat the question. It's
23 very important that you hear and understand what is being
24 said.

25 Sometimes a witness may say something, and you hear

1 the words but -- we all do this -- the words come out a
2 little bit jumbled, and you simply don't understand what they
3 meant to say. There's nothing wrong with you asking them to
4 please repeat or rephrase what they have just said.
5 Sometimes they may be referring to "he" and "he" being maybe
6 Mr. Green or Mr. White. Please ask to clarify if you need
7 clarification.

8 You are not an independent inquisitional body. We
9 rely on the attorneys to ask the questions. But it is
10 important that you are able to hear and understand the
11 answers.

12 Now, I have been a judge for a long time. I get
13 tired as the day wears on, and I need breaks. Sometimes my
14 breaks won't coincide with your breaks, so it is important if
15 you are tired and you need a break, or to use the restroom,
16 you need a glass of water, or you need to stretch in order to
17 be able to better hear the testimony, please stand up and
18 say, Judge, we need a break. Any one of you can ask for a
19 break at any time, and we will take a break.

20 There will be times during the trial in which the
21 attorneys need to speak to me about evidence. For instance,
22 an objection may be made and I may need to talk to the
23 attorneys before I know how to rule. We call these bench
24 conferences. You see them on TV when the attorneys come up
25 and talk to me at the bench, but sometimes you can overhear

1 us because I have a microphone right there. There may be
2 times where we will step into the hallway if it's a brief
3 conference. There may be times we will ask you to step into
4 the jury room so we can have a discussion about the evidence
5 and about the law.

6 We're still working in here. We're not ignoring
7 you. So there will be times where we're working, and you
8 will have to wait for us.

9 Language other than English will be used for some
10 evidence during this trial. When a witness testifies in a
11 another language, the witness will do so through an official
12 court interpreter. If the recorded evidence is presented in
13 another language, there will be an official court translation
14 of the recording.

15 The evidence you are to consider and on which you
16 must base your decision is only the English language
17 interpretations or translations provided through the official
18 court interpreters or translators. Although some of you may
19 know the non-English language used, you must disregard any
20 meaning of the non-English words that differ from the
21 official interpretation or translation. You must not make
22 any assumptions about a witness or party based solely upon
23 the use of an interpreter to assist that witness or party.

24 So generally speaking, we will be in trial from 9:00
25 to 5:00. There may be times where we have a shortage of

1 witnesses and we break early. There may be times we need to
2 finish up a witness so they don't have to come back the
3 following day and we may go a little bit over.

4 Generally, we take a break at noon for an hour to an
5 hour and a half for lunch. We will take a 15-minute break in
6 the morning. We will take a 15-minute break in the
7 afternoon, and certainly any other breaks that we need to.

8 We're now going to go into opening statements of the
9 attorneys. The opening statements are not evidence, but is
10 intended to be a guide that will help you understand the
11 evidence that will be presented.

12 Following the opening statements, the government,
13 who has the complete burden of proof in this case, will begin
14 to call witnesses and begin to take testimony. So with that,
15 the government will go first, and I will turn it over to
16 them.

17 MS. BRITSCH: Thank you, Your Honor.

18
19 OPENING STATEMENT
20

21 MS. BRITSCH: Control and abuse. This case is about
22 control and abuse. This case is about the defendant,
23 Mr. Daniel Johnson's persistent sexual abuse of Cambodian
24 boys who lived in an orphanage that he ran, and about his
25 trips from the United States to Cambodia to accomplish that

1 abuse. This case is about SO XXX, LS X, LT XXXXXXXX, ES XXX,
2 CC X, BT XX, VS XXX, RT XX, SESX, SS XX. These are some of
3 the boys who resided at Daniel Johnson's orphanage.

4 Some of these boys are young men now, and you will
5 get to see and hear their testimony. You will get to hear
6 them tell you about the sexual abuse, the breach of trust,
7 and the pain they endured at the hands of Daniel Johnson.

8 That pain and sexual abuse lasted until Mr. Johnson
9 was arrested in 2013. Daniel Johnson is an American citizen
10 and he resides in Oregon. And about the early 2000s he began
11 traveling to Southeast Asia to do Christian missionary work.
12 He began traveling between the United States and Cambodia,
13 and he started an orphanage called Hope Transition Center.

14 This case is about the control Daniel Johnson had
15 over that orphanage. He was the director and he controlled
16 all of the money that funded the orphanage. All of the money
17 flowed through him. But most of all, Daniel Johnson
18 controlled the boys who lived there.

19 He controlled them by slapping them and hitting
20 them. He controlled them by threatening to kick them and
21 their siblings out. He controlled them by threatening to
22 falsely accuse them of crimes and call the police. He
23 controlled them by giving them money, food, and gifts when
24 they did what he wanted them to do. And what did Daniel
25 Johnson do with all of this control? He used it to

1 systematically sexually abuse these boys.

2 Now Hope Transition Center moved to about three
3 different locations in Phnom Penh, Cambodia, from about 2008
4 to 2013. And you are going to hear about sexual abuse here,
5 sexual abuse here, and sexual abuse here. Different
6 locations, same sexual abuse.

7 Now, this case is about S0 XXXXXXX. S0 XXX moved to
8 Daniel Johnson's orphanage when he was 13 years old. S0 XXX
9 began sleeping in Daniel Johnson's bedroom and giving him
10 massages.

11 You are going to hear a lot about massages in this
12 case. And that's because Daniel Johnson used massages as an
13 entree to sexual abuse. For S0 XXX, massages escalated to
14 Daniel Johnson touching S0 XXX's penis. And then it
15 progressed to oral sex, and attempted painful anal sex.

16 This abuse happened to S0 XXX nearly every night he
17 spent in Daniel Johnson's bedroom, and sometimes when he
18 spent time in that bedroom, S0 XXX received gifts like candy
19 or ice cream.

20 But S0 XXX was not Daniel Johnson's only victim.
21 This case is about LS X. LS X moved to Daniel Johnson's
22 orphanage when he was only eight years old. At one point,
23 Daniel Johnson summoned LS X to his bedroom and there he had
24 LS X touch Daniel Johnson's penis and Daniel Johnson
25 performed oral sex on LS X. This happened countless times.

1 Daniel Johnson would apologize to LS X, but he continued to
2 take LS X to his bedroom and continued to sexually abuse that
3 boy.

4 This case is also about ES XXX. ES XXX is LS X's
5 older brother, and he was 13 years old when they arrived at
6 the orphanage. Daniel Johnson began sexually abusing ES XXX
7 only one week after ES XXX arrived. And that abuse lasted
8 for years, until 2013, the year Daniel Johnson was arrested.

9 This case is also about BT XX. BT XX was sexually
10 abused by Daniel Johnson for many years. This included oral
11 sex and attempted anal sex. That abuse only stopped when
12 BT XX stopped living and sleeping in Daniel Johnson's
13 bedroom, at which Daniel Johnson replaced BT XX with another
14 victim, SO XXX.

15 You are going to hear similar stories from other
16 boys in this case, other boys who lived at Daniel Johnson's
17 orphanage. CC X and VS XXX were also sexually abused by
18 Daniel Johnson. This included oral sex and anal sex. VS XXX
19 was only 12 years old.

20 LT XXXXXXXX and RT XX are brothers. They moved to
21 Daniel Johnson's orphanage after their father died, because
22 they wanted to relieve their mother of the burden of raising
23 six children on her own.

24 LT XXXXXXXX and RT XX were each summoned to Daniel
25 Johnson's bedroom separately where he attempted to touch

1 their genitals. LT XXXXXXX actually left the orphanage after
2 this happened the second time, and he cried because he was so
3 scared about leaving his little brother RT XX behind with
4 Daniel Johnson.

5 Now, Daniel Johnson was arrested in December 2013 by
6 the Cambodian National Police. At that time these boys were
7 interviewed by the Cambodian police, and later interviewed by
8 the FBI.

9 Now some of these interviews are old, and these boys
10 were interviewed multiple times. They didn't always
11 immediately open up about the sexual abuse they suffered, and
12 they didn't always tell the whole truth. But these were hard
13 things for these boys to talk about. Sexual abuse by their
14 guardian, by a man they loved, and a man they considered
15 their father.

16 These boys were poor, they were desperate. They
17 were frightened. They longed for a father figure. And they
18 had, and still have, conflicted feelings about Daniel
19 Johnson. And they were dependent on his orphanage. Without
20 that orphanage they had practically nothing.

21 And you will get to see these boys for yourselves.
22 You will get to hear their story with your own ears and
23 decide for yourselves.

24 Now the sexual abuse that these boys will tell you
25 about was confined to Daniel Johnson's bedroom. But his

1 attempts to control and manipulate the boys were not. Daniel
2 Johnson consistently preached a message of silence and
3 forgiveness to these boys. He played on their religious
4 devotion and he played on their love of God, and their love
5 of Daniel Johnson.

6 What does this sound like? Here's an example. I
7 don't understand why Christians cannot see they hurt all
8 Christians when they speak bad and make more problem.

9 Daniel Johnson wrote that exact message in broken
10 English to SO XXX, and asked SO XXX to post that message on
11 his Facebook wall. And to BT XX, Peace upon you and your
12 tongue. Daniel Johnson requested silence and forgiveness in
13 an attempt to continue to control these boys even after he
14 was in jail.

15 You may also hear evidence in this case about
16 benefits that these victims have received, or hope to receive
17 for testifying. But again, you will get to see these boys
18 and you will get to hear them tell you about the sexual abuse
19 they endured. And you are also going to hear evidence about
20 expensive gifts and money that flowed from Daniel Johnson in
21 jail to the victims and their families in Cambodia.

22 For example, Daniel Johnson offered BT XX's family
23 \$10,000 for BT XX to recant and move back to Cambodia where
24 Daniel Johnson could better control him. You will get to see
25 these messages, these messages of silence, and these offers

1 of money and gifts in an attempt to control these victims,
2 even from jail.

3 Control and abuse. This case is about Daniel
4 Johnson's persistent sexual abuse of boys under his care.
5 Control and abuse of many boys over many years. Now that
6 abuse stopped when he was arrested by the Cambodian National
7 Police, but the control and manipulation persisted even after
8 he was in jail.

9 After you hear all of the evidence in this case, the
10 evidence of damage, control and abuse, we will ask you to
11 return a verdict of guilty on all counts.

12 THE COURT: Thank you, Counsel.

13
14 OPENING STATEMENT

15
16 MR. WEINERMAN: May it please the Court, Counsel for
17 the government, ladies and gentlemen of the jury, good
18 morning.

19 Why did Daniel Johnson go to Cambodia and what did
20 he do while he was there? That is what this case is about.
21 Did he go there to help or did he go there to harm? Did he
22 go to do good, or did he go to do bad? Were his intentions
23 charitable or were his intentions criminal? The evidence
24 will show that Daniel Johnson is an Evangelical Christian.
25 It's not a dirty word. He traveled to Cambodia to further

1 the goals of his ministry, which was to help under-privileged
2 kids by housing them, feeding them, clothing them, and
3 educating them.

4 And his purpose and intent to go to Cambodia was to
5 serve the poor, to build churches, and to spread the gospel.
6 This purpose and intent in traveling to Cambodia was not to
7 harm the kids, but to help them.

8 He did not sexually abuse anyone in Cambodia. And
9 the evidence will show that witnesses who are falsely
10 accusing Daniel Johnson of sexual abuse, has -- have betrayed
11 him in order to obtain the benefits of a better life in the
12 United States. In other words, the privilege of immigrating
13 to the United States.

14 And the evidence will show that the witnesses who
15 are going to be testifying against Daniel Johnson are
16 forgetting and casting aside all the good things he did for
17 them in order for a ticket to escape the poverty and
18 corruption of Cambodia, and obtain the privilege of
19 immigrating to the United States.

20 By way of background, Daniel Johnson grew up in a
21 Christian family in Oregon. His mother was devout and took
22 him to church. But when his mother passed away when he was
23 14 years old, his heart hardened and he moved away from his
24 faith. He dropped out of high school, and took a job at
25 Georgia Pacific, an entry level position. Eventually worked

1 his way up to being the head sawyer, but the work was not
2 satisfying and he heard a higher calling, and he wanted to
3 serve the poor through his faith.

4 So he searched for an outlet to further his desire
5 to help people. And he found a program, Youth With A
6 Mission. The acronym is YWAM, Y-W-A-M. And he signed up for
7 their discipleship training school in Taiwan. It was a
8 six-month program with an immersion into scripture, devotion
9 to Christian fellowship building, establishing a relationship
10 with God through Jesus Christ, and missionary work.

11 In Taiwan he taught English, he engaged in Coffee
12 House Ministry, and we'll talk about that a little bit, and
13 he performed service work through two churches he was
14 assigned to.

15 After five months in Taiwan, YWAM sent Daniel to
16 Cambodia for five weeks, for the final weeks of his training
17 to perform outreach and service work. We all now know where
18 Cambodia is. It borders Vietnam and Thailand. And in
19 Cambodia Daniel met Pastor Sinai through the YWAM program.
20 And in this photo that will be coming up, Pastor Sinai is the
21 gentleman in the front row to Daniel's right. Not to his
22 right -- to your right, standing next to Daniel.

23 Daniel performed outreach and ministry work with
24 Pastor Sinai in his organization called New Hope for Orphans,
25 in the Cambodian countryside and villages, and other

1 hard-to-get-to places in Cambodia.

2 They did service work, such as removing land mines.
3 This all occurred in 2002. After five weeks in Cambodia,
4 Daniel returned to Taiwan for the final weeks of his
5 training. But he had lost a significant amount of weight.
6 He got sick in Cambodia. He picked up a staff infection,
7 dysentery and malaria, and he vowed never to return to
8 Cambodia.

9 And while recovering in Taiwan he received a
10 telephone call from Pastor Sinai who asked Daniel when he was
11 going to return to Cambodia, and Daniel told him never.
12 Pastor Sinai asked him to pray on it, and Daniel did and
13 eventually changed his mind, and he felt it was his calling
14 to return to Cambodia.

15 He returned to Cambodia after recovering from his
16 illness. And he worked with Pastor Sinai doing outreach
17 missionary work, and he got to know a man named ** Ban Born
18 who worked for Pastor Sinai. And Ban Born is to the left of
19 Daniel, to your right in the back row. And Daniel met him
20 doing outreach for Pastor Sinai.

21 And towards the end of his stay in Cambodia, and
22 this is now 2002, he knew that his future lay in being a
23 missionary in Cambodia, and he vowed to return. But he had
24 no funding source, so he had to return to Oregon and looked
25 for a funding source, hoping to find one so he could return

1 to Cambodia and do missionary work.

2 And he was able to find a funding source through his
3 family, through his brother, and through his father, and in
4 late 2002 he returned to Cambodia and stayed there until
5 approximately May of 2003. And he was there to help Pastor
6 Sinai's ministry, New Hope for Orphans.

7 Daniel worked with Ban Born who we talked about a
8 few minutes ago, who worked at Pastor Sinai's church called
9 the Fellowship Word of Life Church, FWLC. Daniel lived with
10 Ban Born and his wife from approximately 2003 to 2006. He
11 hosted missionary teams, he did local outreach, and he helped
12 Pastor Sinai's ministry by preparing vision statements,
13 marketing material, website design and helping Ban Born
14 around the office.

15 But during these months with Pastor Sinai, Daniel
16 got around to Phnom Penh, and was haunted by the plight of
17 people living in garbage dumps. This is where people lived
18 in huts that they built out of tires, plastic, garbage
19 material, mostly widows, many with children. And he was
20 horrified by what he saw. He saw a garbage truck pull up and
21 dump a fresh load of garbage, and saw swarms of people
22 searching for food and recyclables.

23 He saw children eating food with maggots. So he
24 started what he called the Garbage Dump Ministry, finding a
25 way out for widows, helping them find work in the city as

1 housekeepers or cooks in people's homes. He also became a
2 host for other missionary groups visiting Cambodia for which
3 there were many.

4 He started his first Coffee House Ministry in 2005.
5 We're going to call it the WORD House. And WORD stands for
6 Widows and Orphan Relief and development. What is a Coffee
7 House Ministry? It's a place to gather outside the four
8 walls of the church, and it's an outreach to expose people to
9 Christianity and religious dialogue, and to provide a
10 welcoming environment to spread the gospel.

11 What happens in coffee houses? That's the WORD
12 house, that is the coffee house. That's the first place.
13 What happened there? Community outreach for young people,
14 Bible study, English classes, computer labs, and cooking
15 classes, actual feeding children in the community, fun,
16 singing. And this started in 2005. This is what Daniel
17 Johnson was doing for the Cambodian community, with hopes
18 that the people who attended these ministries, these meetings
19 would accept Christianity as their faith.

20 In 2008 Daniel met a man named Pilot Nat. Pilot
21 attended one of the Bible studies at the Coffee House
22 Ministry. Pilot had a license to operate a transition center
23 or orphanage, place where kids could reside, for kids who
24 were orphaned or whose parents were too poor to raise them.

25 And through Pilot's ministry, which was called

1 Widows and Orphans Relief and Development, hence we're
2 calling the first place WORD, Daniel obtained funding for
3 Pilot through a ministry in the United States called Wings of
4 Faith Ministry out of Texas. And he found other funding
5 sources in the United States.

6 So Daniel had the funding, Pilot had the license,
7 and Pilot moved into the WORD house. And he moved in with
8 some of the kids who are going to wind up testifying, or will
9 testify before you during this trial.

10 So with the license and with house parents, because
11 Pilot had a wife, and they were going to act as the house
12 parents for this first orphanage or setup, Pilot moved in and
13 this arrangement lasted between 2008 and 2011 when Pilot
14 decided to leave.

15 And he took his license to operate the center with
16 him, but he left the kids. He left the kids with Daniel and
17 the other adult, Pastor Sopheak, another witness that you
18 will hear from.

19 So Daniel decided he was going to start his own
20 orphanage center. And at first, he took the name, Hope
21 Transition Center, HTC, you will hear that name frequently
22 during this trial. And he was going to operate it under
23 Pastor Sinai's license, New Hope for Orphans. And that was
24 the arrangement at the beginning. Daniel worked hard to
25 create a vision statement, a mission statement, and a board

1 of directors structure for Hope Transition. He made numerous
2 trips to the United States to raise money for this ministry,
3 for this entity.

4 But he ran into a problem when he was in the United
5 States. The house lost its lease. The house was sold and
6 they had to move to another location while Daniel Johnson was
7 in the United States. So they moved to a second house around
8 July of 2011, and remained there until about August 2012.

9 And there were two separate parts of this NHO house, New Hope
10 for Orphans house. There was housing for boys, and there was
11 a separate house for the girls.

12 But as it turned out, it was too small to
13 accommodate all the kids, and all the demand. So late 2012,
14 around September 2012, they moved to another location, which
15 we're going to call the Hope Transition Center house, and
16 they arrived there sometime in the fall of 2012 and stayed
17 there until December of 2013. That's when Daniel Johnson was
18 arrested.

19 At Hope Transitions, Daniel had his own room, slept
20 in his own room, and the boys lived dormitory style in their
21 own residence. And the girls did, as well. During this
22 time, Daniel is trying to keep everything going, he needs
23 funds, so that need took him back to the United States on
24 occasions to go to churches all over the United States,
25 mainly in Texas; the Calvary Baptist Church in Oregon; Coos

1 Bay, the Shoreline Church and Skyline Church; California, the
2 Tranquility First Southern Baptist Church; the West Park
3 Baptist Church; Wings of Faith; Church of Fresno.

4 Going there for fund raisers. In this particular
5 slide Daniel is making the presentation, and the boys at Hope
6 Transition Center are there via Skype. So the people who are
7 attending these fund raisers can see what is going on at Hope
8 Transitions Center.

9 He also went to churches in Oklahoma, California,
10 and basically how the funding worked is people in the United
11 States would donate money through either these ministries,
12 these churches, or directly to Daniel and deposit money in
13 Daniel's Oregon-based credit account.

14 And the donors would sponsor events, like the
15 ministries. We will talk about some medical things that were
16 available. They would sponsor individual children,
17 individual kids. And that worked by providing a monthly
18 stipend to the kids, and that also involved the kids getting
19 gifts at various times of the year, including Christmas.

20 But Daniel did more than helping kids, feeding them,
21 clothing them, educating them. Daniel started ministries.
22 One of the most important that he started was the well
23 ministry. Using donations from various funding sources,
24 Daniel's ministry dug hundreds of wells in remote provinces
25 of Cambodia to make everyday life better for the average

1 person, no matter what their faith or their religion.

2 And these wells were funded by individuals, by
3 ministries, by families, by churches. And when wells were
4 built, whoever was responsible for the funding would lay a
5 stone. And these wells improved people's lives. Didn't have
6 to walk long distances to obtain clean water, and make
7 people's lives that much easier.

8 Daniel also was instrumental in building churches in
9 different parts of Cambodia. We will talk about two. He
10 built the churches in two of the more remote areas of
11 Cambodia. Kampot and Prey Veng. Let's talk about Kampot.
12 He obtained an abandoned church in Kampot, and he remodeled
13 it, and eventually finished the remodel which resulted in a
14 flourishing congregation in Kampot, with a community center,
15 teaching English, and a Bible study.

16 He also built a church, really a whole community
17 area with a church in Prey Veng. This is how it started, raw
18 land that had to be cleared. This is the jungle so they have
19 to clear the land. And then he drew up plans for this
20 center, most of which was completed. As you will see in a
21 minute, there's plans to build a church that was built,
22 waiting area, dining area, bathroom adjacent to student
23 housing, that was all built. A sport court play area, that
24 was built and completed. A medical clinic that was in
25 progress at the time Daniel was arrested, a school and a

1 pastor house, which was not started.

2 So the church was called the Faith Mover Mountain
3 Church. There's the completed church. There was a waiting
4 area, student housing, dormitory rooms, the area adjacent to
5 the church play area where kids could play and play sports,
6 dining, waiting area adjacent to the medical clinic, other
7 parts of the bathroom, garden area, and then the medical
8 clinic. That's how the medical clinic started, courtyard
9 next to the church. And the community took advantage of it.
10 This is in a fairly remote area of Cambodia.

11 More things that Daniel did for the people of
12 Cambodia: He started clinics, fitting people for glasses,
13 called it the eyeglass ministry, which was in Prey Veng and
14 other locations. That's the eyeglass clinic. There was a
15 medical support, medical clinic, did things like
16 immunizations, urgent care, deworming. That's a problem
17 there. And this photo is a woman who had a growth on her
18 neck that was constricting her breathing. She had surgery
19 that successfully removed it.

20 And on your right, the eye clinic, and there's
21 someone who had surgery to try to restore the person's
22 vision. So these -- this infrastructure was built in
23 Cambodia. And then there were baptisms, water baptisms.
24 Another ministry that Daniel started for those who chose to
25 engage in that.

1 Daniel had shortcomings. Daniel Johnson had
2 shortcomings, and we have to talk about that. His intention
3 in going to Cambodia was to do more of the building, the
4 ministries that would affect many people's lives, building
5 the wells, building infrastructure, building churches. He
6 never really wanted to raise kids. He never wanted to be in
7 the business of disciplining kids. He had no experience. He
8 did not have children himself, and he had no experience or
9 training to be a parent. He had no training to be a
10 caregiver.

11 He wanted to support and host missionary groups and
12 not run orphanages. He wanted to raise funding for building
13 projects. He didn't want to be a house parent. And that was
14 lost after Pilot moved out with his wife in 2011, and then it
15 fell on Daniel to be the house parent, the surrogate parent
16 for the kids.

17 And he was a bad disciplinarian. Imagine being a
18 house parent with maybe one or two people helping, you have
19 over 20 kids in a house between the ages -- boys between the
20 ages of 8 and 15, 16. Any parent would know what a nightmare
21 that is.

22 So he wasn't a good disciplinarian. He was
23 frustrated when kids did not behave. And boys, sometimes as
24 they are, do bad things. They break things and lie and
25 steal. And he was too strict with the boys, and he believed

1 in spare the rod, spoil the child so he did engage in
2 corporal punishment from time to time. And that was a
3 shortcoming.

4 And he wasn't a very good financial manager, either.
5 He didn't always use the money the way it should be. And he
6 had to constantly go back to the United States to keep
7 everything going, to get fund raising to keep the orphanage
8 going, and do these projects because it all costs money to
9 build, and get doctors involved.

10 So he was constantly going back and forth. So he
11 was an absentee parent in many ways. So he made mistakes and
12 we acknowledge that.

13 So the last topic I want to talk about is the
14 government witnesses, and why we believe the evidence will
15 show that they should not be believed. And there are many
16 reasons. I will get into a few with you. First, they made
17 many, many inconsistent statements over time. They have made
18 statements falsely accusing Daniel Johnson of sexual abuse,
19 and then they recanted. Some of them have -- not all of
20 them, but many of them have done that. Made an accusation of
21 the sexual abuse and then recanted. And then they recanted
22 their recantations.

23 And then many have alleged sexual abuse, years,
24 years after it allegedly occurred. Daniel Johnson was
25 arrested in December of 2013. Many of these kids didn't come

1 forward until 2016, three years later. And many of them --
2 and I will name some names -- CC XXXXXX, BT XXXXXX, SO XXX
3 XXX, ES XXXXXX, and others, kept communicating with Daniel
4 Johnson on Facebook while he was in custody, in Cambodia,
5 from December of 2013 until he was brought to the United
6 States in December of 2014.

7 They communicated with him on Facebook. They told
8 Daniel Johnson they loved him. These are people who are
9 claiming that they were sexually abused by Daniel Johnson.
10 They refer to him as a parent. Some took on Daniel's last
11 name. SO XXX, we heard his name mentioned, he referred to
12 himself as SO XXX Johnson. Others did, as well.

13 Many who communicated with him on Facebook closed
14 every message with "love you." That's inconsistent that they
15 would communicate with someone who they now claim sexually
16 abused them.

17 Some of them were visiting Daniel Johnson in the
18 Cambodian jail or prison when he was being held. PE XXXXXX,
19 CC XXXXXX, LT XXXXXX and others, visiting Daniel Johnson who
20 they now claim was sexually abusing them. Visiting him in
21 prison to try to raise his spirits.

22 But the main reason they should not be believed is
23 what they stand to gain by testifying in the way they are
24 going to testify. The benefits that they have received, that
25 they expect to receive, or will be seeking, and that's the

1 eligibility to obtain legal status to live in the United
2 States. And I think counsel used the word a few minutes ago
3 that they are desperate.

4 They are desperate, but for a different reason.
5 They are desperate to leave one of the poorest and most
6 corrupt countries in the world to live in the United States.
7 And we believe the evidence will show that they will do or
8 say anything to be able to live here, to be able to immigrate
9 to the United States.

10 And one way of doing it is to get a visa, called a T
11 visa, which you can get if you cooperate in the investigation
12 and prosecution of sex abuse. As we stand here right now,
13 we're aware that at least one has obtained such a visa and
14 that's BT XXXXXXXX. BT XXXXXXXX has been in the United States
15 since August of 2013, almost five years. And he has not been
16 back to Cambodia since.

17 And during that time, he has applied for and
18 eventually obtained the T visa in 2016. And that enables you
19 to stay here, it enables you to work here, it enables you to
20 go to work here. And we believe the evidence will show that
21 other witnesses who have never been in the United States
22 until very recently when they were brought over here to
23 testify in the case, are seeking or will be seeking the same
24 thing, the ability to stay here, to get the type of visa that
25 enables them to stay here and eventually get a green card or

1 permanent residence status, which makes them eligible to
2 eventually become US citizens, if they apply.

3 And we believe other witnesses besides BT XXXXXXX
4 are doing the same thing, or will be doing the same thing.
5 Many of them have lawyers, even before they came over here,
6 they obtained lawyers.

7 So again, we don't know what the witnesses are going
8 to say in that regard, but we believe many of the witnesses
9 are seeking the same benefits that BT XXXXXXX has obtained.

10 So I agree that you need to listen to all the
11 evidence carefully, and you need to judge the credibility of
12 witnesses, which is very important. So just as important as
13 what a witness says, you have to think about why they are
14 saying it, and what they stand to gain by saying it.

15 So we believe after you hear all the evidence, that
16 you will not be convinced beyond a reasonable doubt that
17 Daniel Johnson sexually abused anybody in Cambodia, and you
18 will not be convinced beyond a reasonable doubt that he
19 traveled to Cambodia with the intent and dominant purpose of
20 hurting Cambodian kids. Thank you.

21 THE COURT: Folks, let's take a morning break and we
22 will get set up to testify.

23 All rise for the jury.

24 (JURY OUT.)

25 (END OF EXCERPT at 10:01 a.m.)

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